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The August 15, 2003 DNA Resource Report is listed below.

These reports are prepared by Tim Schellberg and Lisa Hurst of Smith Alling Lane (253) 627-1091, on behalf of Applied Biosystems.

SUMMARY

Cold hits on DNA databases solved crimes in (drug offender linked to rape), Missouri (murder), Ohio (burglaries), Georgia, and Oregon (rape). Analysis of DNA evidence also helped investigators identify suspects in Florida (murder), Maryland (murder), Nebraska (rape), Pennsylvania (burglary). A Kansas story highlighted the effect of backlogs on preventing crimes. South Carolina is initiating a state-wide cold case initiative to review old cases for DNA evidence.

A Pennsylvania prosecutor is seeking to eliminate the statute of limitations for rape when DNA evidence is available. Admission of DNA evidence that was collected from a suspected rapist's trash is being challenged in court. A defendant in a cold hit case in Virginia wants the state to pay for independent analysis of the genetic materials.

Post conviction DNA testing cases made headlines in Florida, Indiana, Louisiana, Mississippi, Missouri, West Virginia, and Wisconsin.

In international news... In the UK, lab analysts may strike in response to calls for privatization of the FSS, there are criticisms of an effort allowing non-experts to gather DNA evidence, and police are collecting DNA from inmates who were sentenced prior to the 2000 database expansion. DNA evidence from the murder of British subject in Thailand will be compared against databases worldwide, Welsh police are using DNA to combat car theft, and Canada has used DNA to link several sex crimes to one suspect. A proposal in Australia would ban police from collecting a person's DNA without their knowledge, and Australian state DNA databases continue to grow. An Australian Innocence Panel has been shut down, and a DNA analyst's accuracy is being questioned. Officials in Mexico and Ireland are facing calls for greater use of DNA in solving old crimes. In Bosnia, DNA analysis will be performed on a mass grave containing up to 700 remains.

NEWS ARTICLES

Forensic DNA

1. "Public defender's office asks judge to halt DNA retesting." The Associated Press State & Local Wire, August 13, 2003.

In Indiana, the Marion County Public Defender Agency has asked a judge to halt a review of DNA evidence in 64 cases until its attorneys can verify the new tests are accurate. The county prosecutor ordered the retesting last month after officials said a former crime lab technician may have cut corners to save time. Prosecutors do not accuse the technician of doing any DNA tests improperly. Rather, they alleged he failed to perform additional steps to verify tests' accuracy in an effort to obtain results more quickly. The Public Defender Agency is upset that prosecutors have not shared the list of cases that are to be reviewed.

2. "Condemned man's attorneys want to expand DNA testing." The Associated Press State & Local Wire, August 13, 2003.
The Attorneys for an Indiana man whose execution has been delayed for further DNA tests want to expand the scope of evidence to be tested. The Governor delayed the execution so that DNA tests could be conducted on two small spots of blood on the shorts the inmate was wearing the night of the double-homicide of which he was convicted. Now, the defense also want to test jeans worn by one of his co-defendants.
3. "DNA Reveals How The Italian Iceman Went Down Fighting." The Independent (London), August 13, 2003.
Scientists researching an Iceman mummy, which was found by climbers in Italy 12 years ago, have found mitochondrial DNA from four other individuals. The blood spots were found on the man's equipment, clothing and weapons. Until two years ago it was believed that the man froze to death in a snowstorm. But in 2001, closer examination revealed that an was imbedded in his chest, causing a wound that would have resulted in his death. Scientists surmise that the man ran into some enemies and the skirmish caused his death.
4. "Jailed robber to put new Governor to test." AAP Newsfeed, August 12, 2003.
In Queensland, Australia, a man who has served seven years of his robbery sentence is seeking a pardon on the grounds his conviction was based on false DNA evidence given at his 1997 trial. The DNA expert in question has repeatedly denied the claim. The DNA evidence against the man came from saliva traces found on a balaclava recovered from a stolen getaway car following the armed robbery of a bank in 1996. But another forensic scientist has found there was no DNA evidence, claiming that the technician gave false evidence at the trial.
5. "Crime labs to get \$3 million to clear DNA sample backlog." The Advocate (Baton Rouge), August 12, 2003.
State crime labs across Louisiana have secured more than \$3 million to help eliminate a backlog of DNA samples from unsolved rapes, and more money might be coming. About 3,100 DNA samples from unsolved rape cases have not been processed. In April, the state Legislature allocated \$650,000 to clear about a third of those cases. Another \$2.5 million from the National Institute of Justice is expected to help clear the rest, and a bill introduced by a Louisiana Congressman would bring another \$1 million to five state crime labs by early October.
6. "Delay in proceedings that could mean new trial for condemned man." The Associated Press State & Local Wire, August 12, 2003.
Defense lawyers who say DNA evidence proves the innocence of a Louisiana death row inmate asked that a prosecutor be removed from the case. Defense attorneys asked prosecutors to reopen the case after finding that a DNA sample on a ski mask worn by the killer matched another man serving time in prison for another killing. At trial, jurors were told that no scientific evidence linked the inmate to the crime.
7. "Appeals court orders new trial in strangulation of ex-girlfriend." The Associated Press State & Local Wire, August 12, 2003.
In Wisconsin, the 3rd District Court of Appeals has ruled that a former police officer sentenced to life in prison for murdering his ex-girlfriend on the night she married another man must get a new trial. The court said that the man's attorney was ineffective in defending him by failing to challenge some crucial prosecution evidence, including DNA tests that ruled him out as a suspect. DNA testing of cigarette butts from the area where the victim was found, hairs from her pants and sweater and scrapings from her fingernails excluded the suspect as a source.
8. "Appeals Court upholds rape convictions of Hattiesburg man." The Associated Press State & Local Wire, August 12, 2003.
In Mississippi, a man has lost an appeal of two rape convictions after an appellate court rejected his claim that lawmen got a sample of his DNA illegally. At his trial, officers testified that the suspect consented to let a nurse take samples of his pubic hair, which matched samples from a rape kit provided by the two victims. Officers, however, testified they did not advise the suspect of his right to refuse to provide the sample nor did they obtain a search warrant. In his appeal, the suspect argued the DNA collection was an illegal search and seizure. The court wrote that authorities should have gotten a search warrant before collecting the DNA sample. However, courts have ruled that the seizure of scientific evidence, such as DNA, did not violate constitutional rights against illegal search and seizure.
9. "Transport: Concern Over DNA Spitting Kit." Birmingham Post, August 12, 2003.
In Britain, a civil liberties group has criticized a scheme in which train guards have been given DNA swab kits as a weapon against spitters. The issue of spitting at train staff has become an increasing problem, and the collection kit

is hoped to both identify the spitters through the national database, and also to act as a deterrent. The civil liberties group said it doubted forensic data collected by the train staff would be admissible in court and it also raised the dangerous precedent of non-experts gathering criminal evidence.

10. "President of Mexico urged to press investigation in killings of women." Copley News Service, August 12, 2003. In the case of hundreds of women who have either been found murdered or gone missing at the Mexican border, Amnesty International has found that police refused to take missing-person reports, sexual evidence was ignored, and DNA testing was not performed. The Fox administration last month unveiled a 40-point plan aimed at ending the murders. Mexico's Attorney General and Interior Minister have announced the creation of a special commission assigned to investigate the killings. There have been 370 killings and 83 disappearances of women and girls in the cities of Ciudad Juarez, at the Texas-Mexico border, and the state capital of Chihuahua
11. "Murder Of St. Peters Woman May Be Solved." St. Louis Dispatch, August 12, 2003. New DNA testing on old evidence has linked a convicted rapist to the 1985 murder of a woman in Jacksonville, Florida. The man had always been a suspect in the murder, but were unable to connect the man to the crime until 2001 when the evidence was sent to the U.S. Army Criminal Investigation Laboratory where sophisticated testing indicated that the suspect's DNA was present in the criminal evidence.
12. "Appeal Panel Shut Down After Balding Killer's Action." Sydney Morning Herald, August 12, 2003. In Australia, the Innocence Panel, set up to help wrongly-convicted prisoners prove their innocence through DNA, has been shut down because it was determined to be unfair to victims and unworkable for applicants. In one case, DNA testing did not find the convicted man's DNA on a piece of evidence, but the defense attorney suggested the panel process was flawed, in part because it used outdated DNA analysis techniques.
13. "DNA links Dupas to prostitute murder." AAP Newsfeed, August 11, 2003. In Australia, a court was told that a man accused of the mutilation murder of a prostitute left traces of his DNA at the death scene. If the case proceeded to trial, the defense said it would argue the DNA evidence was "ambiguous and unreliable" and should not be admissible. It said the DNA evidence could be challenged because it had taken police several years before they analyzed the material. However, a magistrate has rejected this application.
14. "Inmate DNA points to unsolved crime." The Advertiser, August 11, 2003. In Australia, police expect a quarter of the first 200 DNA profiles of South Australian prison inmates now being loaded into the police database will match samples found at scenes of unsolved crimes. Just over 500 DNA samples have been collected from the state's 1150 prisoners since the testing started in late June, with all tests expected to be finalized next month. Thousands of other DNA profiles already taken from suspects in a wide range of crimes will also be loaded on to the database. "We are expecting the database to grow by around 14,000 profiles a year for the next two years and then by 5000 a year after that," said an official.
15. "Prosecutor seeks end to statute of limitations in many cases." The Associated Press State & Local Wire, August 11, 2003. In Pennsylvania, the Philadelphia District Attorney would like to see the statute of limitations eliminated for any felony for which DNA evidence exists. The statute of limitations in Pennsylvania is currently five years for major offenses, two years for minor ones, and 12 years for serious sex crimes. Only murder has no time limit. A state representative plans to introduce the legislation.
16. "Worldwide DNA Search To Snare Kirsty's Killer." The Western Mail, August 11, 2003. A worldwide search of police DNA records is being launched in a bid to catch the killer of a Welsh backpacker who was murdered in Thailand three years ago. Thai police have a DNA profile of the killer left behind at the scene of the killing and are asking police in 25 countries which keep DNA databases to run checks in a bid to identify the murderer. Thai police carried out DNA tests on 14 suspects - but failed to match it with the killer's DNA.
17. "Unions To Act Over Forensic Sell-Off." Independent on Sunday (London), August 10, 2003. In England, the Government is facing a possible strike at the Forensic Science Service, where employees are waging a campaign against privatization. The FSS employs more than 2,500 people in its seven laboratories, and conducts forensic examinations for the police. The Government announced last month that it would be sold off in a public-private partnership, in order to raise money to invest in recruiting more skilled staff and to boost research and development. The Government's proposal to privatize the FSS is particularly controversial as it could include

the national DNA database, which holds records of more than two million DNA profiles. Unions have been polling their members, but have not yet determined whether or not to proceed with a strike

18. "Science drives crime-fighting forward." *Kansas City Star*, August 10, 2003.
In-depth article focusing on efforts to make DNA analysis quicker and easier. Highlights a Kansas case where an offender's DNA sample was taken prior to his release from parole, but sat unanalyzed in a freezer. If the sample had been analyzed more quickly, it could have linked him to several other unsolved rapes on database, and the man would not have been free to murder a woman three months after his release on parole.
19. "Hair in Iraqi jail not Speicher's." *Florida Times-Union (Jacksonville)*, August 9, 2003.
Hair samples found in an Iraqi prison cell where the initials of a US Navy pilot missing since the 1991 Gulf War were scratched onto a wall don't match his DNA, according to recently published reports. The hair was recovered from a drain in the cell.
20. "DNA sampling for prisoners." *Nottingham Evening Post*, August 9, 2003.
In England, a Member of Parliament wrote to the Home Secretary requesting that all 13,000 remaining long-serving prisoners in UK jails should have had their DNA samples taken. Since 2000, police have had the power to take a DNA sample when charging a suspect. But anyone jailed before 2000 - and still serving a prison term - has slipped through the net. The MP has been told that the process is already under way.
21. "Man says collection of DNA was unconstitutional." *The Associated Press State & Local Wire*, August 8, 2003.
In Iowa, a man who police say sexually assaulted two sleeping women last fall wants DNA samples seized by police tossed out and not used as evidence. The DNA samples were collected from two water bottles and a fork he used when he visited a Rape Victim Advocacy Program for possible employment. Prosecutors said a warrant wasn't needed to obtain the samples because the man freely left the items behind after the visit.
22. "Man pleads guilty to 2000 rape after DNA match." *Columbus Ledger-Enquirer*, August 8, 2003.
In Georgia, a man has admitted to raping a teenage runaway more than three years ago. Police had no suspects in the 2001 crime until a DNA match was made on the database to a known offender. The man's DNA sample was recently included on the DNA database due to a drug conviction.
23. "DNA leads police to Hazleton man in theft of safe." *Morning Call (Allentown, PA)*, August 8, 2003.
In Pennsylvania, state police used DNA evidence to arrest a man who they say left a trail of blood when he tried to steal a safe from a business. An employee's description of a possible suspect eventually led police to the culprit and a DNA sample collected from him matched the evidence.
24. "DNA Joins Armoury Against Car Theft." *The Western Mail*, August 8, 2003.
In the UK, police in a Welsh town are using DNA against the rising tide of car crime. The force has set up a crime scene investigation team dedicated to tackling the problem, looking for the smallest shred of forensic evidence, whether it be a tiny drop of blood or a fiber from clothing, that could provide the key to securing a conviction. They have set themselves a target of testing every car that is broken into. The Inspector heading "Operation Maple" car crime crackdown is confident that DNA evidence would bring more car criminals to justice. "We see the forensic evidence as being crucial," he said. "It's one of the most productive forms of investigation, and successful forms of investigation, that exists."
25. "Man exonerated on rape charge sues for compensation money." *The Associated Press State & Local Wire*, August 7, 2003.
In West Virginia, a man jailed for nearly 15 years for a crime he didn't commit says the \$1.65 million he was awarded by the state for his wrongful imprisonment is being held up by his former lawyers. The man received a 30- to 60-year prison sentence in 1985 for the 1982 rape of a nurse, but was released in 1999 after DNA evidence proved he couldn't have been the rapist. The next year the man sued the hospital that originally handled the evidence in his case, and the state awarded him \$1.65 million for his wrongful imprisonment. However, the man's lawsuit alleges that he has not yet received any of the money because the law firm refuses to release it.
26. "Man sentenced to 16 years for rape." *The Associated Press State & Local Wire*, August 7, 2003.
In Oregon, a man was sentenced to more than 16 years in prison for the rape of an 89-year-old woman last August. The man was first identified as a suspect through the state's DNA database. The case was the first time a suspect was identified solely on the DNA test in Umatilla County.

27. "Inmate won't hold still for trial: 2 escape attempts." *The Gazette (Montreal)*, August 7, 2003.
In Canada, a man who is already serving a 12-year sentence for a sexual assault committed in 1991 has been charged with three more counts of armed sexual assault – one from 1992, and two from 2002. DNA links most of the crimes to the man, but the court is awaiting additional DNA testing that was being performed by a defense expert. The man has attempted to escape from custody on two occasions.
28. "Forensic experts probe grave: Up to 700 Muslim bodies buried in Bosnian site." *The Halifax Daily News*, August 7, 2003.
In Bosnia-Herzegovina, forensic experts from a Muslim group inspected bones at the largest mass grave found in the country, preparing to remove the remains of as many as 100 victims unearthed so far. The mass-grave site, the size of a tennis court and is believed to contain the remains of as many as 700 Muslims killed during the country's 1992-95 war. The remains will be taken to an identification center in Tuzla DNA analysis.
29. "Window narrows on DNA." *Herald Sun (Melbourne, Australia)*, August 7, 2003.
In Australia, police could be banned from secretly collecting DNA from suspects under a new proposal. According to a confidential draft report, a legislative "loophole" means police can extract DNA from a cigarette butt, a napkin or a glass and match it against DNA collected at a crime scene without the suspect's knowledge. In its draft report, the bipartisan Victorian Parliament Law Reform Committee has recommended banning collection and analysis of forensic material, other than from a crime scene or victim, in ways not set out in the Crimes Act. Instead, police might have to obtain a search warrant to gather DNA covertly.
30. "Report outlines steps to resurrect HPD lab." *The Houston Chronicle*, August 7, 2003.
A report released by the National Forensic Science Technology Center says that the Houston Police Department crime lab could resume DNA testing within the next year after it installs safeguards that officials say will prevent the reappearance of critical problems. The report also found the lab needs to earn accreditation and hire a strong manager. However, there are still several members of City Council who are still considering whether a lab separate from the police department should be established, or perhaps permanent use of a private lab.
31. "Old-fashioned detective work gets a boost." *Omaha World Herald*, August 7, 2003.
In Nebraska, a DNA sample taken from a suspect in a rape case has conclusively linked him to the crime. The victim did not see her attacker's face, but was able to describe his clothing. Clerks at a nearby store confirmed a customer wearing similar clothing had been in the area on the night of the crime, with one of the clerk's supplying a possible first name. While staking out the store, police subsequently noticed a photograph of a known shoplifter at the store whose name matched that given by one of the clerks. Police located the man and secured a DNA sample from him which matched the rape evidence.
32. "Florida prisoner fights life sentence with DNA." *The Recorder*, August 7, 2003.
In Florida, a man who has served 20 years of a life sentence for raping an 11-year-old girl has filed a motion to vacate his conviction, claiming that recent DNA tests by the Florida Department of Law Enforcement exonerate him. According to the test results, the DNA from the convicted man did not match the semen samples taken from the victim. However, the Miami-Dade County state attorney's office says it may contest the motion. Prosecutors are expected to argue that the identification of the man by the girl and by a police officer at the scene should override the DNA test results. Prosecutors say that the girl had engaged in consensual sex the night before and that the suspect did not ejaculate when he raped her. However, defense attorneys point out that there was no testimony at trial about whether the girl had sex the day before the alleged rape.
33. "Special DNA test may be used to ID remains." *St. Paul Pioneer Press*, August 7, 2003.
In Minnesota, mitochondrial DNA testing will be used to aid in the identification of three dead infants that were recently found. The state lab cannot yet test mtDNA, but officials there hope to get funding for the equipment once they move to their new facility.
34. "DNA Evidence May Revive Theory Of 1 Killer In 2 Slayings." *St. Louis Dispatch*, August 7, 2003.
In Missouri, post conviction DNA testing will begin on evidence that may exonerate a man convicted in a 1982 murder. Meanwhile, new testing on a strikingly similar murder committed in 1983 has been linked a different man already in prison. The recent attention to both cases has prompted speculation that the two cases might both be linked to the same man.

35. "Man's trial in killing begins." Baltimore Sun, August 6, 2003.
In Maryland, a kidnapping and murder case has begun in which the suspect is linked to the crime through DNA found on a Frankenstein mask that was worn during the crime. The mask was found in the suspect's van. The defense argues that the Frankenstein mask had cross contamination of DNA from the suspect and the victim, and does not prove guilt.
36. "Donaldson accuses gardai of collusion." The Irish Times, August 6, 2003.
In Ireland, a Member of Parliament and a Protestant victims' group have claimed that "at least a dozen" members of the gardai colluded with the IRA in the murders of Protestants during the Troubles. A spokesman for the victims' groups said, "Modern investigation gathering, including DNA testing, could result in successful prosecutions. In our call for a full inquiry we are demanding an explanation for the lack of prosecutions in south Armagh."
37. "Attorney Seeks Independent DNA Tests." The Virginian-Pilot, August 6, 2003.
In Virginia, attorneys are arguing whether the state should pay for independent DNA analysis in the case of a man who was charged with rape after DNA testing exonerated the man originally convicted of the crime. The public defender said the nature of questions she needed to ask about the testing would tip off state forensic experts to her defense strategy. She also said state scientists would be biased in the case because they would stand by their analyses. She has asked for \$1,500 to \$2,000 to hire a DNA analyst she met at a seminar. The judge ruled that the defense must first consult with state DNA experts. If they cannot answer her questions, she must return to the court with the names of three DNA analysts for him to consider.
38. "DNA evidence leads to arrest. The Cincinnati Enquirer, August 5, 2003.
In Ohio, the DNA database linked a known offender to a burglary that occurred earlier this summer. Blood had been found at the crime scene which was collected and entered into the database. After arresting the suspect, police subsequently found items in his possession that were stolen from other homes and have linked the man to at least two other burglaries. The man was still serving parole for convictions on similar crimes at the time of his arrest.
39. "DNA In Old Crimes Might Yield Suspects." The Augusta Chronicle, July 17, 2003.
A recently announced cold-case initiative in South Carolina is a product of the growth of the state lab's DNA database. In 1999, the state maintained just 1,800 DNA profiles of identified people from samples submitted by convicted sex offenders. After the state Legislature in 2000 required most violent offenders to submit genetic samples, the database has grown to about 26,000 known profiles over the past two years. With a sizable database to compare samples against, it finally has become worthwhile for the agency to test saliva, semen, blood, hair, tissue or bone from a sexual assault or homicide in which no suspect has been identified. Jurisdictions across South Carolina will be digging through old cases in search of genetic evidence for testing. Testing costs are being supported through a federal grant.

Genetic Privacy

40. "Insurance fears as professor seeks DNA volunteers." The Herald (Glasgow), August 11, 2003.
A (pounds) 45m UK Biobank study, due to start next year, will try to collect blood samples and lifestyle details from half a million people across Britain. The project could lead to the creation of a data bank, and people being offered gene tests so doctors can predict how likely they are to develop certain conditions such as cancer, heart disease, or strokes. However, human rights campaigners warned yesterday that it was only a matter of time before insurance companies sought access to such information and refused to insure people believed to be at high risk.
41. "Sophisticated DNA testing turning up more cases of chimeras, people with two sets of DNA." National Public Radio (Morning Edition), August 11, 2003.
NPR Reports: Mysterious things happen in the world of the early embryo. It can divide, producing identical twins, but embryos can also fuse, turning two fertilized eggs into a single person. No one knows how often this happens, but as DNA tests become more sophisticated, doctors around the world are stumbling across people who have two completely separate sets of genes.
42. "Video disputes LDS scripture." Salt Lake Tribune, August 7, 2003.
A small nondenominational church is challenging the historical accuracy of the Book of Mormon based on DNA. A video the church has released includes interviews with geneticists and anthropologists who discuss the DNA of American Indians and the widespread conclusion that it shows their ancestors came from northeast Asia. The Book

of Mormon's introduction says the principal ancestors of American Indians were the Lamanites, who Mormons believe are descendants of a Hebrew group that migrated to the New World about 600 B.C. If that were the case, the video argues that there would be evidence of the Hebrew DNA among American Indians.

43. "Oklahoma funeral homes begin DNA retrieval service." The Associated Press State & Local Wire, August 6, 2003.
Three Oklahoma funeral homes have begun offering DNA retrieval and storage services to record the genetic makeup of both the living and the dead.

Paternity

44. "Harold Bastien almost lost his son Steve Antoine because of an inaccurate DNA paternity test." Palm Beach Daily Business Review, August 11, 2003.
The minimum requirements for paternity standards established by the AABB are not always enough to ensure labs are producing the most conclusive results possible.